

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

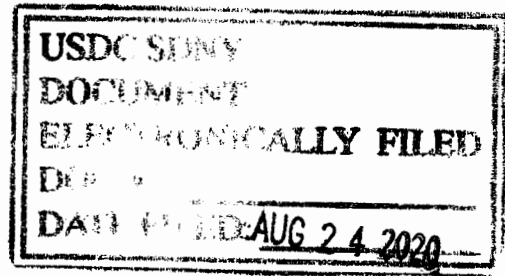
CEDRIC REID,

Plaintiff,

-against-

CITY OF NEW YORK; MARTHA W. KING;
NYC HEALTH + HOSPITALS; PATSY YANG;
C.O. EVERETT, SHIELD NO. 9257; ALLEN
RILEY; THOMAS J. LOUGHREN; TERRY
MORAN; ANTHONY J. ANNUCCI; CARL J.
KOENIGSMANN; SUSANNA NAYSHULER;
DR. HAMMER; OSBOURNE A. McKAY;
MICHAEL WASHINGTON; ROBERT MORTON;
MICHAEL CAPRA; RAZIA FERDOUS;
VERONICA MONRO; AND SCHUPAK,
PHARMACIST,

Defendants.



20-CV-0644 (GBD)

ORDER OF SERVICE

GEORGE B. DANIELS, United States District Judge:

Plaintiff, currently incarcerated in Great Meadow Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983, alleging that Defendants violated his constitutional rights. By order dated August 14, 2020, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis* (IFP).¹

DISCUSSION

A. Service on City of New York and Correction Officer Everett, Shield No. 9257, female

The Clerk of Court is directed to notify the New York City Department of Correction and the New York City Law Department of this order. The Court requests that the City of New York and Correction Officer Everett, Shield No. 9257, waive service of summons.

¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

B. Service on Martha King, New York City Health and Hospitals, Patsy Yang, Allen Riley, Thomas Loughren, Terry Moran, Anthony Annucci, Carl Koenigsmann, Susanna Nayschuler, Dr. Hammer, Osbourne McKay, Michael Washington, Robert Morton, Michael Capra, Razia Ferdous, Veronica Monroe, and Sing Sing Pharmacist Schupak

Because Plaintiff has been granted permission to proceed IFP, Plaintiff is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that the summons and complaint be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summonses and complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date the summonses are issued. If the complaint is not served within that time, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service); *see also Murray v. Pataki*, 378 F. App’x 50, 52 (2d Cir. 2010) (“As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals’ failure to effect service automatically constitutes ‘good cause’ for an extension of time within the meaning of Rule 4(m).”).

To allow Plaintiff to effect service on Defendants Martha King, New York City Health and Hospitals, Patsy Yang, Allen Riley, Thomas Loughren, Terry Moran, Anthony Annucci, Carl Koenigsmann, Susanna Nayschuler, Dr. Hammer, Osbourne McKay, Michael Washington, Robert Morton, Michael Capra, Razia Ferdous, Veronica Monroe, and Sing Sing Pharmacist Schupak through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S.

Marshals Service Process Receipt and Return form (“USM-285 form”) for each of these Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these Defendants.

Plaintiff must notify the Court in writing if Plaintiff’s address changes, and the Court may dismiss the action if Plaintiff fails to do so.

C. Local Civil Rule 33.2

Local Civil Rule 33.2, which requires defendants in certain types of prisoner cases to respond to specific, court-ordered discovery requests, applies to this action. Those discovery requests are available on the Court’s website under “Forms” and are titled “Plaintiff’s Local Civil Rule 33.2 Interrogatories and Requests for Production of Documents.” Within 120 days of service of the complaint, Defendants must serve responses to these standard discovery requests. In their responses, Defendants must quote each request verbatim.²

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is directed to electronically notify the New York City Department of Correction and the New York City Law Department of this order. The Court requests that Defendants the City of New York and Correction Officer Everett, Shield No. 9257, waive service of summons.

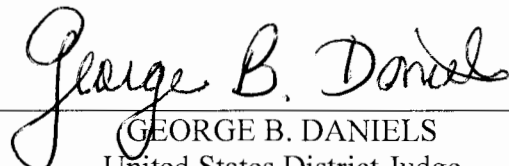
² If Plaintiff would like copies of these discovery requests before receiving the responses and does not have access to the website, Plaintiff may request them from the Pro Se Intake Unit.

The Clerk of Court is further instructed to complete the USM-285 forms with the addresses for Defendants Martha King, New York City Health and Hospitals, Patsy Yang, Allen Riley, Thomas Loughren, Terry Moran, Anthony Annucci, Carl Koenigsmann, Susanna Nayschuler, Dr. Hammer, Osbourne McKay, Michael Washington, Robert Morton, Michael Capra, Razia Ferdous, Veronica Monroe, and Sing Sing Pharmacist Schupak and deliver all documents necessary to effect service to the U.S. Marshals Service.

Local Civil Rule 33.2 applies to this action.

SO ORDERED.

Dated: AUG 24 2020
New York, New York



GEORGE B. DANIELS
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Martha King
Executive Director of the Board of Corrections
1 Centre Street
Room 2213
New York, New York 10007
2. New York City Health and Hospitals
125 Worth Street
Suite 500
New York, New York 10013
3. Patsy Yang
Senior Vice President for Correctional Health Services
for New York City Health and Hospitals
55 Water Street
18th Floor
New York, New York 10041
4. Allen Riley
Chairperson at The State Commission of Correction
Alfred E. Smith State Office Building
80 S. Swan Street
12th Floor
Albany, New York 12210
5. Thomas Loughren
Commissioner at The State Commission of Correction
Alfred E. Smith State Office Building
80 S. Swan Street
12th Floor
Albany, New York 12210
6. Terry Moran
Director of Operations at The State Commission of Correction
Alfred E. Smith State Office Building
80 S. Swan Street
12th Floor
Albany, New York 12210

7. Anthony Annucci
Acting Commissioner for The Department of Corrections and Community Supervision
The Harriman State Campus Building
1220 Washington Avenue
Albany, New York 12226
8. Carl Koenigsmann
Chief Medical Officer/Deputy Commissioner
The Department of Corrections and Community Supervision
The Harriman State Campus Building
1220 Washington Avenue
Albany, New York 12226
9. Susanna Nayschuler
Regional Health Services Administrator, Division of Health Services
The Department of Corrections and Community Supervision
The Harriman State Campus Building
1220 Washington Avenue
Albany, New York 12226
10. Dr. Hammer
Regional Medical Director
The Department of Corrections and Community Supervision
The Harriman State Campus Building
1220 Washington Avenue
Albany, New York 12226
11. Osbourne McKay
Deputy Commissioner Correctional Industries
Compliance Standards & Diversity
The Department of Corrections and Community Supervision
The Harriman State Campus Building
1220 Washington Avenue
Albany, New York 12226
12. Michael Washington
Director of Diversity Management/ADA Coordinator
The Department of Corrections and Community Supervision
The Harriman State Campus Building
1220 Washington Avenue
Albany, New York 12226

13. Robert Morton
Superintendent at Downstate Correctional Facility
121 Red Schoolhouse Road
P.O. Box 445
Fishkill, New York 12524
14. Michael Capra
Superintendent at Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562
15. Razia Ferdous
MD/Facility Health Service Director
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562
16. Veronica Monroe
Nurse Practitioner
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562
17. Sing Sing Pharmacist Schupak
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562